

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

July 22, 2008

No. 07-41157
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ARMANDO ROJAS-SAMANIEGO

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:05-PO-1125-ALL

Before JOLLY, BENAVIDES, and HAYNES, Circuit Judges.

PER CURIAM:*

Armando Rojas-Samaniego (Rojas) appeals the 15-month sentence imposed upon revocation of unsupervised probation. As the Government concedes, the sentence was plainly erroneous because the maximum sentence that could have been lawfully imposed was six months. See 8 U.S.C. § 1325(a); 18 U.S.C. §§ 3551(a), 3565(a)(2). The sentence is VACATED and the case is REMANDED for resentencing. See *United States v. Coil*, 442 F.3d 912, 914 (5th Cir. 2006).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.